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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ANTHONY BAILEY,

Plaintiff,

vs.

JEREMY BEAN *et al.*,

Defendants.

Case No. 2:19-cv-01021-GMN-DJA

**DEFENDANT'S MOTION TO  
RESCHEDULE THE EARLY  
MEDIATION CONFERENCE  
(ECF NO. 9)**

Defendant, Jeremy Bean, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Katlyn M. Brady, Deputy Attorney General, requests this Court reschedule the October 30, 2020 early mediation conference because of a State Holiday.

**I. INTRODUCTION**

Defendant respectfully requests this Court reschedule the October 30, 2020 early mediation conference. October 30, 2020, is the recognized state holiday known as Nevada Day.<sup>1</sup> Nevada state offices, including the Office of the Nevada Attorney General, are closed

<sup>1</sup> Nevada day celebrates the date which Nevada was admitted to the Union and takes the place of Columbus Day for state workers.

1 and state employees are given the day off. Accordingly, Defendant respectfully requests  
2 this Court reschedule the early case conference.

## 3 **II. BACKGROUND**

4 Plaintiff is an inmate lawfully incarcerated in the Nevada Department of  
5 Corrections (NDOC). Plaintiff filed a civil rights complaint pursuant to §1983. ECF No. 5.  
6 This Court issued a screening order and permitted a retaliation claim and a conspiracy to  
7 commit retaliation claim to proceed. ECF No. 6. The Office of the Nevada Attorney General  
8 then submitted a limited notice of appearance for Defendant Jeremy Bean. ECF No. 6.

9 This Court then set the early mediation conference for October 30, 2020, at 8:30 a.m.  
10 ECF No. 9. However, October 30, 2020, is a State recognized holiday known as Nevada  
11 Day.<sup>2</sup> See <http://hr.nv.gov/uploadedFiles/hrnvgov/Content/About/State%20Holidays.pdf> .  
12 Accordingly, the Nevada Tort Fund Manager and NDOC client representatives are  
13 unavailable that day as it is a mandatory holiday. These individuals have the necessary  
14 settlement authority for this matter and are needed for the mediation.

15 To assist this Court, Defendant Bean provides the following alternative dates for the  
16 early medication conference:<sup>3</sup> November 20, 2020, at 1:30 p.m.; December 4, 2020, all day;  
17 December 11, 2020, all day; and December 18, 2020, all day.

## 18 **III. LEGAL ARGUMENT**

19 District courts have inherent power to control their dockets. *Hamilton Copper &*  
20 *Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Olivia v. Sullivan*,  
21 958 F.2d 272, 273 (9th Cir. 1992). Under Fed. R. Civ. P. 16(b)(a) “schedule shall not be  
22 modified except upon a showing of good cause and by leave of the district judge or, when  
23 authorized by local rule, by a magistrate judge.”

24 Defendant Bean respectfully requests this Court reschedule the early mediation  
25 conference. October 30, 2020, is a state holiday and thus all state offices are closed. Further,  
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27 <sup>2</sup> The actual date of Nevada Day varies as it is always scheduled for the last Friday  
in October. Nevada actually became a state on October 31, 1884.

28 <sup>3</sup> The provided dates are all Fridays, which is the date set aside for southern early  
mediation conferences.

1 state employees are provided this day off and thus the early mediation conference  
2 participants are unavailable.

3 **IV. CONCLUSION**

4 Defendant Bean respectfully requests this Court reschedule the early mediation  
5 conference in light of the state holiday.

6 DATED this 25th day of August, 2020.

7 AARON D. FORD  
8 Attorney General

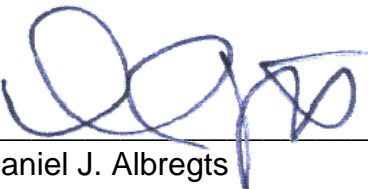
9 By: /s/ Katlyn M. Brady  
10 KATLYN M. BRADY (Bar No. 14173)  
11 Deputy Attorney General

*Attorneys for Defendant*

12 **ORDER**

13  
14 The Court finds good cause to GRANT the motion. IT IS HEREBY ORDERED  
15 that the Inmate Early Mediation scheduled for October 30, 2020 is **VACATED**.  
The Court will issue a separate order resetting the mediation.

16 DATED: August 31, 2020.

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18   
19 \_\_\_\_\_  
20 Daniel J. Albregts  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on August 25, 2020, I electronically filed the foregoing **DEFENDANT'S MOTION TO RESCHEDULE THE EARLY MEDIATION CONFERENCE (ECF NO. 9)** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

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*Plaintiff, Pro Se*

/s/ Carol A. Knight  
CAROL A. KNIGHT, an employee of the  
Office of the Nevada Attorney General